

21 NOV 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAY KAPLUN & MARCIN, LLP
150 Broadway, Suite 702
New York, NY 10038

In re Application of:	:	
CHACQUES, Juan Carlos, et al.	:	DECISION
U.S. Application No.: 10/519,974	:	
PCT No.: PCT/ES2003/000285	:	
International Filing Date: 11 June 2003	:	
Priority Date: 02 July 2002	:	
Atty Docket No.: 40140/00701	:	
For: MEDIUM FOR CULTURING	:	
AUTOLOGOUS HUMAN	:	
PROGENITOR STEM CELLS AND	:	
APPLICATIONS THEREOF	:	

This decision is issued in response to the "Response" filed by applicants on 06 September 2007, treated herein as a petition under 37 CFR 1.181 requesting acceptance of the revised declaration included therewith. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the previous decision mailed on 31 July 2007. That decision vacated the previously mailed Notification Of Acceptance based on applicants' failure to file a declaration executed by all of the inventors of record herein.

Specifically, applicants had filed two separate declarations, one of which named, and was executed by, two of the inventors of record: Felipe Prosper CARDOSO, and Jesus Herreros GONZALEZ; the second declaration named, and was executed by the third inventor of record, Juan Carlos CHACHQUES. Because neither of these declarations properly identified all three inventors of record, the declarations were found not to comply with 37 CFR 1.497.

On 06 September 2007, applicants filed the "Response" considered herein, accompanied by a revised declaration.

DISCUSSION

The revised declaration included with the 06 September 2007 names, and is executed by, Juan Carlos CHACHQUES, Felipe Prosper CARDOSO, and Jesus Herreros GONZALEZ. These are the inventors of record in the present national stage application. See MPEP Section 1893.01(e): "The inventorship of an international application entering the national stage under 35

U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*.”¹

Based on the above, the revised declaration filed 06 September 2007 is executed by all the inventors of record herein. A review of the declaration reveals that it includes all required statements and information. Accordingly, the revised declaration is acceptable in compliance with 37 CFR 1.497.

CONCLUSION

Applicants' petition under 37 CFR 1.181 for acceptance of the revised declaration under 37 CFR 1.497 is **GRANTED**.

The declaration filed 06 September 2007 complies with 37 CFR 1.497(a) and (b).

The inventors of record herein are Juan Carlos CHACHQUES, Felipe Prosper CARDOSO, and Jesus Herreros GONZALEZ, as set forth in the declaration filed 06 September 2007 and in the international application.

No correction of the inventorship of record is required.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 September 2007.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

¹ It is noted that applicants listing of only two of these inventors on the materials filed to initiate the present national stage application did not act to modify the inventorship of record herein.